

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**LIZBETH (MALMSTEAD) PERALTA,**

**Plaintiff,**

**v.**

**ALEXANDER SCHELEZKA, et al.,**

**Defendants.**

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**Civil Action No. 22-cv-11662-DJC**

**ORDER**

**CASPER, J.**

**June 23, 2023**

For the reasons stated below, the Court orders that this action be dismissed.

Plaintiff Lizbeth (Malmstead) Peralta (“Peralta”), who is proceeding *pro se*, has filed a civil complaint and a motion for leave to proceed *in forma pauperis*. In an order dated March 17, 2023, the Court (Dein, M.J.) entered an order allowing the *in forma pauperis* motion. D. 6 at 1.<sup>1</sup> Reviewing the complaint pursuant to 28 U.S.C. § 1915(e)(2) (providing that a court may conduct its own review of a complaint filed by a party who is allowed to proceed *in forma pauperis*), the Magistrate Judge also concluded that the pleading failed to state a claim upon which relief could be granted because did not contain factual allegations from which the Court could reasonably infer that the defendants were liable for any misconduct, let alone under the theories of liability upon which Peralta relied. *Id.* at 3-5. The Court ordered Peralta to file an amended complaint within thirty-five (35) days, and stated that failure to do so could result in dismissal of this action. *Id.*

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<sup>1</sup> Pursuant to General Orders (10-1) and (09-3), a case may be randomly assigned, at the time of filing, to a Magistrate Judge.

at 5. On April 27, 2023, the Court extended the deadline to June 1, 2023 to account for a change in Peralta's address. D. 8.

The deadline for complying with that Order, D. 8, has passed without any response from Peralta. Having reviewed the complaint, this session of the Court finds that the pleading fails to state a claim upon which relief may be granted for the reasons set forth in the Magistrate Judge's March 17, 2023 Order, D. 6.

Accordingly, the Court hereby orders that this case be DISMISSED without prejudice.

**So Ordered.**

/s Denise J. Casper  
United States District Judge